

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD GIBSON,

Plaintiff,

v.

E. CASTELLANOS, et al.,

Defendants.

No. 1:21-cv-00794-NODJ-GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
DEFENDANT C. RILEY FOR PLAINTIFF'S  
FAILURE TO EFFECT SERVICE OF  
PROCESS

(ECF No. 29)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 21, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court dismiss Defendant C. Riley from this action due to Plaintiff's failure to effectuate service of process. (ECF No. 29.) Specifically, the Magistrate Judge found that Plaintiff failed to provide sufficient information to the United States Marshal to effect service of process on Defendant C. Riley. (*Id.* at 1-2.) The findings and recommendations contained notice to all parties that any objections to the findings and recommendations were to be filed by October 13, 2023. (*Id.* at 3.) That deadline has passed, and Plaintiff has not filed objections to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a  
2 de novo review of this case. Having reviewed the file, the Court concludes that the findings and  
3 recommendations are supported by the record and proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations issued September 21, 2023 (ECF No. 29) are  
6 adopted in full;
- 7 2. Defendant C. Riley is dismissed from this action, without prejudice, due to Plaintiff's  
8 failure to provide sufficient information to locate Defendant in order to effectuate  
9 service of process pursuant to Federal Rule of Civil Procedure 4(m); and
- 10 3. This matter is referred back to the Magistrate Judge for further proceedings.

11 DATED: January 2, 2024.

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14 CHIEF UNITED STATES DISTRICT JUDGE  
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